

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.2408 OF 2006
IN
WRIT PETITION NO.1611 OF 2003

Hargobind Udham Advani .. Applicant.
Vs.
Smt.Asha Shamsunder Advani & Ors. .. Respondents.

Mr.R.M.Agarwal i/b Mr.Niranjan Shimpi for the
applicant.
Ms.Shobha Khavnekar i/b I.R.Kulkarni for
respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 13TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the applicant and
respondent no.1.

2. By this application the applicant has prayed
for restoration of the writ petition which came to be
dismissed for non prosecution on 2.9.2005. There is
delay of 359 days in filing this application. The
respondent has filed reply affidavit opposing the
prayers in the application. It appears that in the
petition the applicant has challenged the order of
maintenance. The applicant is the brother of the
deceased-husband of respondent no.1. Respondent no.1
and her children have filed the suit for partition and

also the application for maintenance. Considering the overall facts and circumstances of the case and reply affidavit filed by respondent no.1 I am satisfied that the following order shall meet the ends of justice:

(a) Civil application is allowed in terms of prayer clause (b) and (c) subject to the petitioner depositing sum of Rs.50,000/- within six weeks from today in the trial Court. If the petitioner fails to deposit the amount as aforestated the petition shall stand dismissed for non prosecution without further reference to the court. Liberty to respondent no.1 to withdraw the said amount unconditionally.

(b) The trial Court is directed to proceed with hearing of the suit and dispose it of as expeditiously as possible and in any case within a period of eight months from the date of receipt of this order. The petitioner is directed to produce a copy of this order before the trial Court within four weeks from today.

. Civil application is disposed of.

(D.B.Bhosale, J.)